

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.27279 of 2005

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30.12.2005

Between:

T.Sayanna, S/o.Late Chinnaiah

... Petitioner

AND

The Commissioner, Survey Settlements & Land Records,

Nampally, Hyderabad

and others

...Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.27279 of 2005

ORDER:

The petitioner claims to be the owner of land admeasuring Acs.15.35 gts., in survey No.2189 (old survey No.1878/2) situated at Nizamabad and is allegedly in possession of the property. He alleges that though it is agricultural land, in the revenue records it is being shown as shikam (tank bed land). He, therefore, approached the District Revenue Officer requesting to direct the Assistant Director, Survey & Land Records, Nizamabad, third respondent herein, to conduct enquiry and correct the entries in the revenue records, in vain. Therefore, the present writ petition is filed.

Learned Counsel for the petitioner submits that the land in possession of the petitioner is ancestral land purchased by his grandfather Chinnaiah and that the same has been continuously in possession of the petitioner. He also submits that the land was however classified in the revenue records as shikam and in spite of number of representations, the third respondent did not take action for correcting the

entries. **Per contra**, learned Assistant Government Pleader for Revenue (General), after getting instructions from the respondents, submits that the land is shikam and the entries made in the revenue records correctly reflect the ground position. He, however, does not dispute that the representation made by the petitioner has not been disposed of. He only submits that the petitioner did not make any representation to the Mandal Revenue Officer, the fifth respondent herein, and if proper representation is made, appropriate action would taken.

There is a dispute between the petitioner on one hand and the government on the other as to the nature of the land in survey No.2189 (old survey No.1878/2) of Nizamabad. Unless and until proper survey is conducted with reference to the records and ground position, no definite finding can be recorded. Therefore, it would be proper to give liberty to the petitioner to make appropriate representation to the fifth respondent herein seeking survey of the land. As and when such application is made, the fifth respondent shall conduct survey and if necessary inspect the land personally and take appropriate action in the matter. This exercise may be completed within a period of six weeks from the date of receipt of application from the petitioner.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

(V.V.S.RAO, J)

December 30, 2005.

YS